

RESOLUTION NO. ~~2021-091~~—

**A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS
DECLARING A MORATORIUM FOR A PERIOD OF THREE (3) MONTHS ON THE
GRANT OF APPROVALS FOR THE ERECTION AND MAINTENANCE OF TENTS
FOR ~~RESTAURANT OUTDOOR SEATING~~ A PERIOD LONGER THAN 5 DAYS
(~~INLCUDING SETUP AND BREAKDOWN~~) IN ORDER TO ALLOW THE TOWN TO
REVIEW AND, IF APPROPRIATE, REVISE AND/OR CODIFY ITS POLICY, TO
ENSURE THAT IT IS FAIR AND EQUITABLE, APPLIED IN THE MANNER MOST
CONDUCTIVE TO PUBLIC HEALTH, SAFETY AND WELFARE AND THE TOWN'S
FINANCIAL AND ECONOMIC WELL-BEING, AND ADEQUATELY PRESERVES
THE GENERAL CHARACTER OF THE TOWN**

WHEREAS, the Commissioners of St. Michaels ("the Town"), pursuant to the Land Use Article of the Annotated Code of Maryland, Title 4, § 4-102, the Town has the authority, in order to promote the health, safety, and general welfare of the community, to enact zoning regulations that govern, among other things, the location and use of buildings, signs, structures, and land; and

WHEREAS, pursuant to Section C19(B)(53), the Town has implemented the authority to exercise the powers as to planning and zoning conferred upon municipal corporations in the Annotated Code of Maryland, subject to the limitations and provisions of said Code.

WHEREAS, pursuant to the aforesated authority and the additional authority contained in Md. Code Annotated, Land Use Article, Division 1, "Single Jurisdiction Planning and Zoning", Title 4, "Zoning", the Town has enacted Chapter 340, "Zoning", of the Code of the Town of St. Michaels; and

WHEREAS, the Town has, during the recent COVID-19 pandemic, allowed ~~certain restaurants in Town to erect and maintain tents for outdoor seating of patrons~~ the erection of tents, to mitigate certain hardships created by the impact of State and local regulations requiring social distancing; and

WHEREAS, with the impact of the pandemic declining and businesses in the Talbot County reopening to the public, the Commissioners desire to reassess the continued use of tents ~~to provide outdoor seating on a long term basis~~ and to consider whether to revise, formalize, and/or codify its policy in regard to the erections ~~and maintenance of tents for restaurant outdoor seating~~; and

WHEREAS, it the Town Commissioners have determined that a comprehensive assessment of the Town's policy relating to the erection and maintenance of tents to ensure that it is fairly and equitably applied, is applied in the most conducive to the public health, safety and welfare and the Town's financial and economic well-being, and preserves the general character of the Town; and

WHEREAS, the Town Commissioners believe that a temporary suspension of the grant of permission to erect and maintain tents for longer than 5 days (including setup and breakdown)

~~restaurant outdoor seating~~ while the Town reviews the policy is necessary and appropriate, provided that the suspension continues for a period no longer than necessary to complete the assessment in the exercise of all due haste; and

WHEREAS, the Town Commissioners desire to impose a moratorium to allow Town staff time to study these matters, finalize their recommendations, and propose changes to better achieve the goals expressed herein; and

WHEREAS, completion of this process is anticipated to occur within the three (3) month period following the adoption of this Resolution; and

NOW, THEREFORE, be it **RESOLVED**, by the Commissioners of St. Michaels:

1. Moratorium established. A temporary moratorium on the grant of approvals for the erection and maintenance of tents for ~~restaurant outdoor seating~~ a period of time longer than 5 days (including setup and breakdown) shall be and is hereby established for a period of three (3) months from and after the adoption of this Resolution.
2. Purpose. The purpose of the moratorium is to allow the Commissioners time to assess the policy relating to the erection and maintenance of tents ~~for restaurant outdoor seating~~ to ensure that it is fair and equitable, is applied in the manner most conducive to the public health, safety and welfare and the Town's financial and economic well-being and preserves the general character of the Town.

AND BE IT FURTHER RESOLVED that nothing in this Resolution shall be interpreted as waiving, or being in contradiction of, any authority or power existing in or granted to the Commissioners of St. Michaels to institute such a moratorium at any time, or extend any such moratorium, to protect the health, safety, and welfare of the Town and its residents, and that to the extent of such power, this moratorium shall be effective immediately.

PASSED on this _____ day of December, 2021.

ATTEST:

THE COMMISSIONERS OF ST.
MICHAELS

Jeffrey Rhodes, Interim Town
Clerk/Manager

Michael Bibb, President